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14 Attorneys for Defendant eBay Inc.

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

15 RICHARD NOLL and RHYTHM MOTOR  
16 SPORTS, LLC, Individually and on behalf of  
all others similarly situated,

17 Plaintiffs,

18 v.

19 EBAY INC.,

20 Defendant.

Case No. CV 11-04585 EJD

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING HEARING ON MOTION FOR  
FINAL APPROVAL OF SETTLEMENT**

Judge: Hon. Edward J. Davila  
Courtroom: 1, Fifth Floor

1 This Stipulation is entered into pursuant to Local Rules 6-2 and 7-12, by and between  
 2 Defendant eBay Inc. (“Defendant”) and Plaintiffs Richard Noll and Rhythm Motor Sports, LLC  
 3 (“Plaintiffs”) (collectively, the “Parties” and each, a “Party”) by and through their respective  
 4 undersigned counsel.

5 WHEREAS, on January 29, 2015, the Court granted preliminary approval of the Parties’  
 6 proposed class action settlement (“Settlement”) and scheduled a hearing on final settlement  
 7 approval (the “Fairness Hearing”) for June 11, 2015 at 9:00 a.m. (Dkt. No. 133);

8 WHEREAS, lead counsel for eBay has a scheduling conflict on June 11, 2015, and  
 9 requested that Plaintiffs’ counsel agree to a brief continuance of the Fairness Hearing to  
 10 accommodate his schedule;

11 WHEREAS, both Parties’ counsel are agreeable to continuing the Fairness Hearing to  
 12 July 2, 2015, if the Court is available on that date;

13 WHEREAS, Class Members were advised through direct notice and through the  
 14 Settlement website that the date for the Fairness Hearing is subject to change without notice, and  
 15 were advised to confirm the Fairness Hearing date on the Court’s PACER website;<sup>1</sup>

16 WHEREAS, a brief postponement of the Fairness Hearing will not affect any other dates  
 17 or deadlines set by the Court;

18 NOW, THEREFORE, subject to the Court’s approval, the Parties hereby agree and  
 19 stipulate to continue the Fairness Hearing to July 2, 2015, subject to the Court’s availability. If  
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21 <sup>1</sup> See, e.g., Direct Email Notice, Dkt. No. 140-22, at 10 (“A further hearing at 9:00 a.m. PST on  
 22 **June 11, 2015** will determine whether to grant final approval of the Settlement. This hearing date  
 23 may change without further notice. Please check the settlement website or the Court’s PACER  
 24 site to confirm the date.”); Direct Mail Notice, Dkt. No. 140-22, at 13 (“A further hearing at 9:00  
 25 a.m. PST on **June 11, 2015** will determine whether to grant final approval of the Settlement. This  
 26 hearing date may change without further notice. Please check the settlement website or the  
 27 Court’s PACER site to confirm the date.”); Settlement Website,  
 28 <https://secure.dahladmin.com/NOLL#q7> (“At 9:00 a.m., Pacific Time, on **June 11, 2015**, the  
 Court will conduct a hearing to determine the fairness of the Settlement and may enter an order  
 finally approving the Settlement . . . . This date may change without further notice. Please check  
 the settlement website or the Court’s PACER site at  
[http://www.cand.uscourts.gov/ecf/account\\_setup](http://www.cand.uscourts.gov/ecf/account_setup) to confirm the date.”).

the Court agrees to continue the date for the Fairness Hearing, the Parties will provide notice of the updated hearing date on the Settlement website and will endeavor to provide notice to all individuals who filed objections to the Settlement. If the Court is not available for hearing on that date, then the Parties request that the original hearing date for the Fairness Hearing be preserved.

**IT IS SO STIPULATED.**

Dated: May 12, 2015

COOLEY LLP

/s/ Whitty Somvichian

WHITTY SOMVICHIAN

*Attorneys for Defendant eBay Inc.*

Dated: May 12, 2015

FIGARI & DAVENPORT, LLP

/s/ Keith R. Verges

KEITH R. VERGES

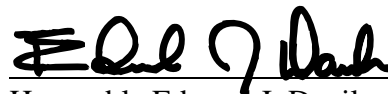
*Attorneys for Plaintiffs*

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**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Date: 5/14/2015



Honorable Edward J. Davila  
United States District Judge

**ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(1), (3)**

I, Whitty Somvichian, attest that concurrence in the filing of this **STIPULATION AND [PROPOSED] ORDER CONTINUING HEARING ON MOTION FOR FINAL APPROVAL OF SETTLEMENT** has been obtained from each of the other signatories.

/s/ Whitty Somvichian

Whitty Somvichian